

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

EMPLOYERS & OPERATING ENGINEERS)	
LOCAL 520 PENSION FUND, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	Case No.: 04-cv-0571-MJR
)	
EAST SIDE PARTNERS, INC.,)	
)	
Defendant.)	

MEMORANDUM and ORDER

REAGAN, District Judge:

In this action, Plaintiffs (“the Funds”) seek to collect delinquent fringe benefit contributions pursuant to Section 301 of the Labor Management Relations Act of 1947 (“LMRA”), as amended, **29 U.S.C. § 185**, and pursuant to Section 502 of the Employee Retirement Income Security Act of 1974 (“ERISA”), as amended, **29 U.S.C. § 1132**. Served on November 7, 2004, Defendant East Side Partners failed to answer or otherwise appear herein.

In January 2005, the Funds moved for default judgment under **FEDERAL RULE OF CIVIL PROCEDURE 55(b)(2)**. That motion was referred to Magistrate Judge Frazier until April 1, 2005, when it was determined that the motion should be ruled on by the undersigned District Judge. On April 6, 2005, this Judge construed the motion as one seeking (a) a Clerk’s entry of default under **FEDERAL RULE OF CIVIL PROCEDURE 55(a)** and (b) an Order compelling an accounting. That motion was granted (*see* Doc. 8). The Clerk made an entry of default the following day (Doc. 9).

Now before the Court are the Funds’ August 2, 2005 motion for default *judgment* and the supporting memorandum, affidavits, and other materials (Docs. 11, 12, and attachments).

Defendant East Side Partners neither answered nor appeared, and the Clerk of Court properly entered default against East Side Partners. The Funds' pleadings and supporting documents establish that, for the period of January 1, 2001 through July 31, 2004, East Side Partners owed delinquent contributions of \$120,065.12, liquidated damages of \$12,006.51, accounting fees of \$525.00, and legal fees/costs of \$899.40 (a total of \$133,496.03).

Accordingly, the undersigned Judge **GRANTS** the Funds' August 2, 2005 motion (Doc. 11) and **DIRECTS** the Clerk of Court to **ENTER JUDGMENT** in favor of Plaintiffs/Funds and against Defendant East Side Partners in the total amount of \$133,496.03.

IT IS SO ORDERED.

DATED this 8th day of August, 2005.

s/Michael J. Reagan
MICHAEL J. REAGAN
United States District Judge